



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/292,552	04/15/99	MAURO	C 9628006999

020583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

TM02/0713

EXAMINER

ROMAIN, J

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

07/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/292,552

Applicant(s)

Mauro et al

Examiner

Romain Jeanty

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 30, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-33 and 48-52 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-33 and 48-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2163

Response to Amendment

1. This Office action is in response to the amendment filed on April 30, 2001. Claims 8-33, and 48-52 are still pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 8-33, and 48-52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 8-10, 21, and 22-23 are rejected under 102(e) as being anticipated by Lupien et al (5,950,177).

Art Unit: 2163

As per claims 8, 10, 21, and 23, Lupien et al discloses a computer display of orders to buy certain securities at different prices based on data (satisfaction density data)" transmitted over the network by at least some of the users of the service (Col. 6, lines 27-34), and a computer display of offers to sell the certain securities at different prices based on data (satisfaction density data) transmitted over the network by at least some of the traders of the service (Col. 6, lines 4-9).

As per claims 9 and 22, Lupien et al discloses wherein the network is the Internet ((col. 5, line 45-47).

5. Claims 48-49 and 51-52 are rejected under 102(e) as being anticipated by Minton (6,014,643).

As per claim 48, Minton discloses a software for receiving and displaying data relating to price quotes for securities (col. 10, lines 46-54), data relating to account balances (col. 13, lines 18-45), data relating to new item regarding securities (col. 9, lines 16-17), and data relating to a user's position in securities (col. 8, lines 60-62).

As per claim 49, Minton further discloses wherein the security is a stock (col. 8, lines 43-45).

As per claim 51, Minton further discloses a software for displaying a graphical form market value of a security (col. 14, lines 7-19).

As per claim 52, Minton further discloses a software for displaying offers to buy and offers to sell securities in a user-to-user trading (col. 7, lines 33-46).

Art Unit: 2163

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-15, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al (US Patent No. 5,950,177) in view of Minton (6,014,643).

As per claims 11 and 24, Lupien et al discloses a range of prices for certain securities (See Figure 4 and Col. 6, line 66 through col 77 line 39), but Lupien fails to explicitly disclose a software for providing a computer display. . However, Minton discloses an interactive security trading system using a software for graphical display of a range of prices (col. 4, lines 37-45 and col. 10, lines 3-12). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the trading system of Lupien et al by including a software as evidenced by Minton. Doing so would enable Lupien to better communicate trading information to his traders.

As per claims 12 and 25, Lupien et discloses displaying offers to buy or offers to sell provided by a particular trader (Col. 6, lines 4-9).

Art Unit: 2163

As per claims 13 and 26, Lupien further discloses displaying a negotiation process between two users in connection with purchasing a number of certain securities (Col. 2, lines 16-32). Further, Lupien disclose a counter offer, but fails to explicitly disclose displaying an electronic for entering the counter offer. It would have been obvious to a person of ordinary skill in the art at time the invention was made to displaying an electronic form for entering a counter offer in order to facilitate a trader to submit a desired counter offer with a regard to buy order.

As per claims 14 and 27, Lupien et al discloses an update button and a display surface button, a reset, clear and an apply button. It thus implies that any of these buttons could have been used for accepting an offer.

As per claim 15, Lupien et al discloses a graphical display of a price paid of the certain securities paid by a user (See Figure 4).

8. Claims 16-20, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (6,014,643) in view of Personal Finance (Quicken Deluxe for Windows).

As per claims 16, 28 and 29, Minton discloses a computer program and interface for allowing users to buy and sell securities (col. 3, line 65 through col. 4, lin 11).

Minton further discloses the claimed limitations “a computer display of user’s current security position” (col. 2, lines 60-62), a computer display of an open order list of

Art Unit: 2163

the user (col. 7, lines 33-46), and a computer display of a trade ticket (col. 11, lines 21-31). The examiner notes that figure 4 of Minton discloses a non-overlapping display. Minton fails to disclose a computer display of a watch list of securities wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update. However, Personal Finance discloses a watch list of securities where a price is updated (See page 2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the interactive trading system of Minton by including a watch list of securities wherein a price of a security is updated as evidenced by Personal Finance. In so doing would allow a user/trader to quickly change his or her portfolios and decision process so as to maximize profits.

As per claims 17 and 30, Minton discloses the program of claim 16 further providing a computer display of offers to buy and sell the securities (Column 7, lines 33-36).

As per claim 18 and 31, Minton discloses the program of claim 17 further including software for providing a displayed non-overlapping computer display of news information (col. 10, lines 43-48).

As per claims 19 and 32, Minton does not explicitly disclose means for pre-filling the data trade ticket. It would have been obvious to a person of ordinary skill in the art at

Art Unit: 2163

the time the invention was made to pre-fill the trade ticket in order to ensure that all trade conditions are obtained from trading participants, thereby allowing all eligible standing orders to be considered.

As per claims 20 and 33, Minton discloses displaying non-overlapping computer display of performance of the securities (See Figure 4).

9. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (6,014,643) in view of Broka et al (US 5,843,483).

As per claim 50, Minton discloses all of the limitations above but does not explicitly disclose receiving updated to the price quotes for at least one security without the user requesting each of the updates and displaying an update to the user. Broka on the other hand, teaches a system for monitoring information about debt securities and reporting trades in the debt securities which receive updates price quotes and displaying the update to a user (col. 16, line 7 through col. 17, line 21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Minton by including a price quote update as taught by Broka. In so doing would allow a trader to quickly change his or her portfolios so as to maximize profits.

Conclusion

Art Unit: 2163

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Tuck et al (US Patent 6,115,698) discloses a trading system that teaches displaying a button for accepting an offer.

b. Tull, Jr. et al (6,092,056) discloses a trading system that teaches a computer display of non-overlapping of the performance of the securities.

c. Silverman (EP0407026A2) discloses a distributed system and method for matching buyers and sellers.

d. Newsbytes discloses "Future Stock Exchange Need Integrating".

e. Kulkosky discloses Making connections in off-exchange trading.

11. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 3/7/2001 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2163

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 8:00 a.m to 4:30 p.m.

If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R. Hafiz, can be reached at (703) 305-9643.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703)308-3900.

Romain Jeanty

July 08, 2001.



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100